

Page 1 of 6

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0558-AIR-E TCEQ ID: RN102495884 CASE NO.: 33151
RESPONDENT NAME: ConocoPhillips Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: ConocoPhillips Borger Refinery, Spur 119 North, Borger, Hutchinson County</p> <p>TYPE OF OPERATION: Petroleum refining and natural gas processing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are no pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 31, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Jo Ann Wasicek, Environmental Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008-0271 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 4 through 18, 2006</p> <p>Date of NOV/NOE Relating to this Case: March 16, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 8,020.83 pounds ("lbs") of sulfur dioxide, 1.36 lbs of nitrogen oxides, and 91.37 lbs of hydrogen sulfide were released from the H2S emergency flare, emissions point number ("EPN") 66FL6, in Unit 34 during an emissions event that occurred on September 1, 2006 and lasted 2 hours and 50 minutes. Sulfur dioxide was the only pollutant authorized by the permit at 41 lbs per hour. Since the emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to either monitor all the valves in the Mercaptan Unit (No. 45) during the first quarter of 2005 or submit notification of an alternate monitoring schedule for the unit to allow for the quarter to be exempt from monitoring [40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.482-7(c)(1) and 63.168(d)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to include two reportable Emissions Events (Nos. 65748 and 71242) in the January 27 and July 13, 2006</p>	<p>Total Assessed: \$210,128</p> <p>Total Deferred: \$42,025 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$84,051</p> <p>Total Paid to General Revenue: \$84,052</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to prevent unauthorized emissions due to the same cause as the releases that occurred on September 1, 2006;</p> <p>ii. Either submit notification of an alternate monitoring schedule for the Mercaptan Unit (No. 45) to allow for the valves in the unit not to be monitored for one quarter (if the leak rate is less than 2% in the previous two quarters), or three quarters (if the leak rate is less than 2% for the previous five quarters) or implement measures designed to ensure the valves in the Mercaptan Unit are monitored quarterly;</p> <p>iii. Implement measures designed to ensure that all reportable and non-reportable emissions events are included in deviation reports;</p> <p>iv. Implement measures designed to ensure that Units 29 and 40 are operated within the six-minute average opacity emissions limit of 20%;</p> <p>v. Implement measures designed to ensure that emissions are only routed to flares;</p> <p>vi. Implement measures designed to ensure first attempt at repair of all components is conducted within 5 days and that repairs are completed (or components placed on a delay of repair list) within 15 after discovery of a leak;</p> <p>vii. Implement measures or install additional equipment to ensure all flares have a constant flame;</p>

<p>deviation reports and 42 non-reportable events in the January 28 and July 28, 2005, and July 13, 2006 deviation reports [30 TEX. ADMIN. CODE § 122.145(2)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to consistently operate Units 29 and 40 below the six-minute average opacity emissions limit of 20% (averaged over six minutes) 24 times between October 14, 2004 and February 22, 2006 [40 CFR § 60.102(a)(2) and 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(A), and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 23 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to consistently route emissions to flares. Specifically, emissions from EPNs 66FL8, 66FL10, and 66FL11 were routed to burn pits 11 times between November 10, 2004 and February 24, 2006 during flare maintenance [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 30 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to repair a valve (Tag No. 1449) in Unit 22 within 15 calendar days after discovering a leak. The valve was required to be repaired on June 22, 2006, but was not repaired until June 30, 2006 [40 CFR § 63.168(f)(1), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I. and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to operate the flare with a constant pilot flame. Specifically, there was no pilot flame present at EPNs 66FL1, 66FL2, 66FL3, 66FL10, and 66FL13 on 12 occasions between December 2, 2004 and January 20, 2006 [40 CFR §§ 60.18(c)(2) and (e), 61.349(a)(2)(iii), and 63.11(b)(3), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition No. 2B and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failure to continuously monitor the thermal oxidizer temperature in the loading racks terminal three times between September 22 and October 13, 2005 [40 CFR § 63.427(a)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failure to prevent visible emissions</p>		<p>viii. Implement measures designed to ensure continuous monitoring of the thermal oxidizer temperature in the loading racks terminal;</p> <p>ix. Implement measures designed to prevent visible emissions from Unit 34 and 43 incinerator stacks and EPN 66FL4;</p> <p>x. Implement measures designed to ensure that Incinerators A and B are operated with firebox temperatures at a minimum of 1209 degrees Fahrenheit;</p> <p>xi. Implement measures designed to ensure that sulfur dioxide concentrations are limited to 250 parts per million by volume from Unit 34 and Unit 43 emissions;</p> <p>xii. Implement measures designed to ensure secondary seal inspections for Tank 511 are conducted annually;</p> <p>xiii. Implement measures designed to ensure that defects discovered during inspections of floating roof tanks are reported within 30 days after the inspection is completed;</p> <p>xiv. Implement measures designed to ensure Pump No. 346.000 is monitored monthly;</p> <p>xv. Implement measures designed to ensure that measurements, calculations, and other documentation (used to determine that the benzene quantity does not exceed 6.0 megagrams per year) is recorded and reported in quarterly reports;</p> <p>xvi. Implement measures designed to ensure that the range of benzene concentrations for the waste streams are included in annual benzene summary reports; and</p> <p>xvii. Implement measures designed to ensure that quarterly reports are submitted with 30 days after the end of each quarter.</p> <p>3) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 1 and 2.a.i. through 2.a.xvii.</p>
--	--	---

from Unit 34 incinerator stack on April 12, 2005 and from Unit 43 incinerator stack on January 18, 2005 [30 TEX. ADMIN CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 10 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failure to operate Incinerators A and B with minimum firebox temperatures of 1209 degrees Fahrenheit five times between March 6, 2004 and December 17, 2004 [40 CFR § 63.643 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failure to prevent visible emissions from EPN 66FL4 on September 2, 2004 [40 CFR §§ 60.18(c)(1) and 63.11(b)(4) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12) Failure to limit sulfur dioxide concentration to 250 parts per million by volume in emissions from Unit 34 on February 20, 2006 in Units 34 and 43 on August 6 and December 15, 2005 [40 CFR § 60.104(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13) Failure to conduct annual secondary seal inspections for Tank 511 in 2004 and 2005 [40 CFR § 60.113b(b)(ii) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failure to submit an inspection failure report within 30 days after the September 13, 2005 inspection during which defects were found in the floating roof secondary seal on Tank 5599. The report was due on October 13, 2005, but was not submitted until January 27, 2006 [40 CFR § 60.115b(a)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15) Failure to operate the flare with a constant pilot flame. Specifically, there was no pilot flame present at EPN 66FL2 on three occasions between June 6 and 9, 2005 [40 CFR §§ 60.18(c)(2) and (e) and 61.349(a)(2)(iii), and 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition No. 2B and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16) Failure to repair four valves (Tag Nos. 0734, 2146, 20087 and 20068) in Units F-11, F-22, and F-7 within 15 calendar days after discovering a leak, respectively. The valves were required to be repaired on September 21, 2005, December 30, 2005,

<p>September 6, 2005, and December 6, 2005, but were not repaired until October 31, 2005, February 16, 2006, November 15, 2005, and December 29, 2005, respectively [40 CFR § 60.482-7(d)(1), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>17) Failure to repair three pumps (Tag Nos. 3968, 2596, and 1308) in Units 1.6, HDS, and Col. 39, respectively, within 15 days after discovering a leak. The pumps were required to be repaired on January 26, 2006, January 19, 2006, and January 12, 2006, but were not repaired until February 28, 2006, February 28, 2006, and March 22, 2006, respectively [40 CFR §§ 60.482-2(c)(1) and 60.632(a), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>18) Failure to make first attempt at repair of two pumps (Tag Nos. 2607 and 1308) within five days after discovering a leak. First attempt at repair was required by February 5, 2006 and January 12, 2006, but was not made until February 15, 2006 and March 22, 2006, respectively [40 CFR §§ 60.482-2(c)(2) and 60.632(a) AND TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>19) Failure to repair 14 valves within 15 days after the discovery of a leak (Tag Nos. 2534, 1518, 1700, 1123, 2943, 99.000, 1867, 2577, 3846, 3885, 3892, 2699, 2725, and 1021). The first repair was required to be made March 18, 2005 and the repairs were complete on May 26, 2006. Repairs were made between one and 31 days late [40 CFR §§ 60.482-7(d)(1) and 60.632(a), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I. and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>20) Failure to monthly monitor Pump No. 346.000 in Column 31 Hazardous Organic National Emission Standards for Hazardous Air Pollutants during January, March, and April 2006 [40 CFR §§ 60.482-2(a)(1) and 60.632 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>21) Failure to record the measurements, calculations, and other documentation used</p>		
--	--	--

to determine that the total benzene quantity does not exceed 6.0 megagrams per year on the quarterly reports submitted on May 5 and September 9, 2005 [40 CFR § 61.356(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

22) Failure to include the range of benzene concentrations for the waste streams in the annual benzene summary report submitted on April 6, 2006 [40 CFR § 61.357(d)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

23) Failure to submit a quarterly equipment inspection certification report within 30 days after the end of the second quarter of 2005. Specifically, the report was due by July 30, 2005, but was not submitted until September 9, 2005 [40 CFR § 61.357(d)(6) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Attachment A
Docket Number: 2007-0558-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Payable Penalty Amount: One Hundred Sixty-Eight Thousand One Hundred Three Dollars (\$168,103)

SEP Amount: Eighty-Four Thousand Fifty-One Dollars (\$84,051)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up

Location of SEP: Hutchinson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	19-Mar-2007	Screening	9-Apr-2007	EPA Due	11-Dec-2007
	PCW	11-May-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	ConocoPhillips Company		
Reg. Ent. Ref. No.	RN102495884		
Facility/Site Region	1-Amarillo	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	33151	No. of Violations	23	
Docket No.	2007-0558-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Trina Grieco	
Multi-Media		EC's Team	EnforcementTeam 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$99,400**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **112%** Enhancement **Subtotals 2, 3, & 7** **\$111,328**

Notes
Penalty enhancement due to 1 NOV issued for same or similar violations, 38 NOVs issued for non-similar violations (which includes 36 self-reported effluent violations), and 2 agreed orders containing a denial of liability. Penalty reduction due to 5 notice of audit letters submitted and 2 disclosures of violations.

Culpability **No** **0%** Enhancement **Subtotal 4** **\$0**

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0%** Reduction **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes
The Respondent does not meet the good faith criteria.

Total EB Amounts	\$7,232
Approx. Cost of Compliance	\$34,200

0% Enhancement* **Subtotal 6** **\$0**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$210,728**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment **\$0**

Notes

Final Penalty Amount **\$210,728**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$210,128**

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20% Reduction **Adjustment** **-\$42,025**

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$168,103

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	38	76%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 112%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 1 NOV issued for same or similar violations, 38 NOVs issued for non-similar violations (which includes 36 self-reported effluent violations), and 2 agreed orders containing a denial of liability. Penalty reduction due to 5 notice of audit letters submitted and 2 disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 112%

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 8,020.83 pounds ("lbs") of sulfur dioxide, 1.36 lbs of nitrogen oxides, and 91.37 lbs of hydrogen sulfide were released from the H2S emergency flare, emissions point number ("EPN") 66FL6, in Unit 34 during an emissions event that occurred on September 1, 2006 and lasted 2 hours and 50 minutes. Sulfur dioxide was the only pollutant authorized by the permit at 41 lbs per hour. Since the emissions event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment were exposed to 4.01 tons of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$97

Violation Final Penalty Total \$10,600

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 33151
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Sep-2006	16-Dec-2007	1.3	\$97	n/a	\$97

Notes for DELAYED costs

Estimated cost to implement procedures designed to ensure backup power is available for the boiler feed water pumps. Date required based on the date of the release. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$97

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 40 Code of Federal Regulations ("CFR") §§ 60.482-7(c)(1) and 63.168(d)(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to either monitor all the valves in the Mercaptan Unit (No. 45) during the first quarter of 2005 or submit a notification of an alternate monitoring schedule for the unit to allow for the quarter to be exempt from monitoring.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment were exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

89 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$5,300

This violation Final Assessed Penalty (adjusted for limits) \$5,300

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	31-Mar-2005	15-Dec-2007	2.7	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to develop and submit a notification of an alternate schedule for monitoring valves in the Mercaptan Unit. Date required based on the end of the quarter that monitoring was not conducted. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$14

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 122.145(2)(A) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include two reportable Emissions Events (Nos. 65748 and 71242) in the January 27 and July 13, 2006 deviation reports and 42 non-reportable events in the January 28 and July 28, 2005, and July 13, 2006 deviation reports.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 5% of the rule requirements were not met (the 2 deviations were on 2 pages of a 45-page deviation report).

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4

801 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$400

Four single events are recommended for the four deficient semi-annual reports submitted.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$36

Violation Final Penalty Total \$848

This violation Final Assessed Penalty (adjusted for limits) \$848

Economic Benefit Worksheet

Respondent: ConocoPhillips Company

Case ID No. 33151

Reg. Ent. Reference No. RN102495884

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
Delayed Costs								
Equipment				0.0	\$0	\$0	\$0	
Buildings				0.0	\$0	\$0	\$0	
Other (as needed)				0.0	\$0	\$0	\$0	
Engineering/construction				0.0	\$0	\$0	\$0	
Land				0.0	\$0	n/a	\$0	
Record Keeping System				0.0	\$0	n/a	\$0	
Training/Sampling				0.0	\$0	n/a	\$0	
Remediation/Disposal				0.0	\$0	n/a	\$0	
Permit Costs				0.0	\$0	n/a	\$0	
Other (as needed)	\$250	28-Jan-2005	15-Dec-2007	2.9	\$36	n/a	\$36	
<p>Notes for DELAYED costs</p> <p>Estimated cost to implement procedures to ensure that all reportable and non-reportable emissions events are included in deviation reports. Date required based on the first deviation report submitted. Final date based on the date corrective actions are estimated to be completed.</p>								
Avoided Costs								
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)								
Disposal				0.0	\$0	\$0	\$0	
Personnel				0.0	\$0	\$0	\$0	
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0	
Supplies/equipment				0.0	\$0	\$0	\$0	
Financial Assurance [2]				0.0	\$0	\$0	\$0	
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0	
Other (as needed)				0.0	\$0	\$0	\$0	
<p>Notes for AVOIDED costs</p>								
<p>Approx. Cost of Compliance</p>				\$250	<p>TOTAL</p>			\$36

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 4

Rule Cite(s)

40 CFR § 60.102(a)(2) and 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(A), and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 23 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to consistently operate Units 29 and 40 below the six-minute average opacity emissions limit of 20% (averaged over six minutes) 24 times between October 14, 2004 and February 22, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment were exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6

24 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$15,000

Six quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$396

Violation Final Penalty Total \$31,800

This violation Final Assessed Penalty (adjusted for limits) \$31,800

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Reinflation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	14-Oct-2004	15-Dec-2007	3.2	\$396	n/a	\$396

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that Units 29 and 40 are operated within the six-minute average opacity emissions limit. Date required based on the first exceedance. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$396

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 30 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to consistently route emissions to flares. Specifically, emissions from EPNs 66FL8, 66FL10, and 66FL11 were routed to burn pits 11 times between November 10, 2004 and February 24, 2006 during flare maintenance.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment has been exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

11 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Three quarterly events are recommended for the three quarters during which emissions were not routed to flares.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$155

Violation Final Penalty Total \$15,900

This violation Final Assessed Penalty (adjusted for limits) \$15,900

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,000	10-Nov-2004	15-Dec-2007	3.1	\$155	n/a	\$155
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement procedures to ensure emissions are only routed to flares. Date required based on the date emissions were first routed to burn pits. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$155

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 6 Tracking No. 269296

Rule Cite(s) 40 CFR § 63.168(f)(1), 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I. and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to repair a valve (Tag No. 1449) in Unit 22 within 15 calendar days after discovering a leak. The valve was required to be repaired on June 22, 2006, but was not repaired until June 30, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Estimated emissions of 4.608 lbs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

8 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$741

Violation Final Penalty Total \$5,300

This violation Final Assessed Penalty (adjusted for limits) \$5,300

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 33151
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$10,000	22-Jun-2006	15-Dec-2007	1.5	\$741	n/a	\$741

Notes for DELAYED costs

Estimated cost to upgrade the Leak Detection and Repair program. Date required based on the date the valve was required to be repaired. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$741

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 7

Rule Cite(s)

40 CFR §§ 60.18(c)(2) and (e), 61.349(a)(2)(iii), and 63.11(b)(3), 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition No. 2B and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the flare with a constant pilot flame. Specifically, there was no pilot flame present at EPNs 66FL1, 66FL3, 66FL10, and 66FL13 on 7 occasions between December 2, 2004 and January 20, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

4

12

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$4,000

Four single events (one per EPN) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$304

Violation Final Penalty Total \$8,480

This violation Final Assessed Penalty (adjusted for limits) \$8,480

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
 Case ID No. 33151
 Reg. Ent. Reference No. RN102495884
 Media Air
 Violation No. 7

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	2-Dec-2004	15-Dec-2007	3.0	\$304	n/a	\$304

Notes for DELAYED costs

Estimated cost to implement procedures or install additional equipment to ensure the flares have a constant flame. Date required based on the first flame outage. Final date based on the date corrective actions are required to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$304

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 8

Rule Cite(s)

40 CFR § 63.427(a)(3) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to continuously monitor the thermal oxidizer temperature in the loading racks terminal three times between September 22 and October 13, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

3

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$2,120

This violation Final Assessed Penalty (adjusted for limits) \$2,120

Economic Benefit Worksheet

Respondent: ConocoPhillips Company

Case ID No. 33151

Reg. Ent. Reference No. RN102495884

Media Air

Violation No. 8

Percent Interest: 5.0
Years of Depreciation: 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	22-Sep-2005	15-Dec-2007	2.2	\$28	n/a	\$28

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that the thermal oxidizer temperatures are continuously monitored. Date required based on the first date the temperatures were not monitored. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$28

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 9

Rule Cite(s)

30 Tex. Admin Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 10 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent visible emissions from Unit 34 incinerator stack on April 12, 2005 and from Unit 43 incinerator stack on January 18, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment was exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$363

Violation Final Penalty Total \$10,600

This violation Final Assessed Penalty (adjusted for limits) \$10,600

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 33151
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	18-Jan-2005	15-Dec-2007	2.9	\$363	n/a	\$363

Notes for DELAYED costs

Estimated cost to implement procedures to ensure no visible emissions from Unit 34 and 43 incinerator stacks. Date required based on the first date of visible emissions. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$363

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 10

Rule Cite(s)

40 CFR § 63.643 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate Incinerators A and B with minimum firebox temperatures of 1209 degrees Fahrenheit five times between March 6, 2004 and December 17, 2004.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment could have been exposed to a significant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

5

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$945

Violation Final Penalty Total \$21,200

This violation Final Assessed Penalty (adjusted for limits) \$21,200

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
 Case ID No. 33151
 Reg. Ent. Reference No. RN102495884
 Media Air
 Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	6-Mar-2004	15-Dec-2007	3.8	\$945	n/a	\$945

Notes for DELAYED costs

Estimated cost to implement procedures to ensure firebox temperatures do not drop below 1209 degrees Fahrenheit at Incinerators A and B. Date required based on the first date minimum temperatures were not maintained. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$945

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 11

Rule Cite(s) 40 CFR §§ 60.18(c)(1) and 63.11(b)(4) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent visible emissions from EPN 66FL4 on September 2, 2004.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment was exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$328

Violation Final Penalty Total \$5,300

This violation Final Assessed Penalty (adjusted for limits) \$5,300

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	2-Sep-2004	15-Dec-2007	3.3	\$328	n/a	\$328

Notes for DELAYED costs

Estimated cost to implement procedures to ensure no visible emissions from EPN 66FL4. Date required based on the date of visible emissions. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$328

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 12

Rule Cite(s)

40 CFR § 60.104(a)(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit sulfur dioxide concentration to 250 parts per million by volume in emissions from Unit 34 on February 20, 2006 and in Units 34 and 43 on August 6 and December 15, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment was exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

3 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Four quarterly events (two quarters per EPN) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$590

Violation Final Penalty Total \$21,200

This violation Final Assessed Penalty (adjusted for limits) \$21,200

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	6-Aug-2005	15-Dec-2007	2.4	\$590	n/a	\$590
Notes for DELAYED costs Estimated cost to implement procedures to ensure sulfur dioxide concentrations do not exceed 250 parts per million by volume. Date required based on the first date the concentration limit was exceeded. Final date based on the date corrective actions are estimated to be completed.							
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs <div style="border: 1px solid black; height: 40px; width: 100%;"></div>							
Approx. Cost of Compliance		\$5,000		TOTAL		\$590	

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 13

Rule Cite(s) 40 CFR § 60.113b(b)(ii) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct annual secondary seal inspections for Tank 511 in 2004 and 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment could have been exposed to a significant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

730 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$5,000

Two annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,141

Violation Final Penalty Total \$10,600

This violation Final Assessed Penalty (adjusted for limits) \$10,600

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	31-Dec-2004	15-Dec-2007	3.0	\$37	n/a	\$37

Notes for DELAYED costs

Estimated expense to implement procedures to ensure that the secondary seal inspections are conducted annually. Date required based on the end of the first year inspections were not conducted. Final date based on the date corrective actions are expected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel	\$1,000	31-Dec-2004	15-Dec-2007	3.0	\$148	\$2,956	\$3,104
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for training and inspections. Date required and final dates are described above.

Approx. Cost of Compliance

\$1,250

TOTAL

\$3,141

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 14

Rule Cite(s)

40 CFR § 60.115b(a)(3) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an inspection failure report within 30 days after the September 13, 2005 inspection during which defects were found in the floating roof secondary seal on Tank 5599. The report was due on October 13, 2005, but was not submitted until January 27, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

107 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$212

This violation Final Assessed Penalty (adjusted for limits) \$212

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	13-Oct-2005	15-Dec-2007	2.2	\$27	n/a	\$27

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that inspection failures are reported within 30 days after the inspection is completed. Date required based on the date the report was due. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$27

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 15

Rule Cite(s) 40 CFR §§ 60.18(c)(2) and (e), 61.349(a)(2)(iii), and 63.11(b)(3), 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition No. 2B and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the flare with a constant pilot flame. Specifically, there was no pilot flame present at EPN 66FL2 on 8 occasions between June 6 and 9, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

3

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event (for the one EPN) is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$2,120

This violation Final Assessed Penalty (adjusted for limits) \$2,120

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	6-Jun-2005	15-Dec-2007	2.5	\$25	n/a	\$25
<p>Notes for DELAYED costs</p> <p>Estimated cost to implement procedures or install additional equipment to ensure the flares have a constant flame. Date required based on the first flame outage. Final date based on the date corrective actions are required to be completed.</p>							
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
<p>Notes for AVOIDED costs</p>							
Approx. Cost of Compliance		\$200		TOTAL		\$25	

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 16

Rule Cite(s)

40 CFR § 60.482-7(d)(1), 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to repair four valves (Tag Nos. 0734, 2146, 20087 and 20068) in Units F-11, F-22, and F-7 within 15 calendar days after discovering a leak, respectively. The valves were required to be repaired on September 21, 2005, December 30, 2005, September 6, 2005, and December 6, 2005, but were not repaired until October 31, 2005, February 16, 2006, November 15, 2005, and December 29, 2005, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Estimated emissions of 303.432 lbs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

164 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,600

This violation Final Assessed Penalty (adjusted for limits) \$10,600

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included in the economic benefit calculation for Violation 6.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 17

Rule Cite(s)

40 CFR §§ 60.482-2(c)(1) and 60.632(a), 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to repair three pumps (Tag Nos. 3968, 2596, and 1308) in Units 1.6, Hydrodesulfurization Unit, and Col. 39, respectively, within 15 days after discovering a leak. The pumps were required to be repaired on January 26, 2006, January 19, 2006, and January 12, 2006, but were not repaired until February 28, 2006, February 28, 2006, and March 22, 2006, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Estimated emissions of 2,566.22 lbs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,300

This violation Final Assessed Penalty (adjusted for limits) \$5,300

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media: Air
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included in the economic benefit calculation for Violation 6.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 18

Rule Cite(s) 40 CFR §§ 60.482-2(c)(2) and 60.632(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to make first attempt at repair of two pumps (Tag Nos. 2607 and 1308) within five days after discovering a leak. First attempt at repair was required by February 5, 2006 and January 12, 2006, but was not made until February 15, 2006 and March 22, 2006, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Estimated emissions of 951.79 lbs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,300

This violation Final Assessed Penalty (adjusted for limits) \$5,300

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included in the economic benefit calculation for Violation 6.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 19

Rule Cite(s)

40 CFR §§ 60.482-7(d)(1) and 60.632(a), 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I. and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to repair 14 valves within 15 days after the discovery of a leak (Tag Nos. 2534, 1518, 1700, 1123, 2943, 99.000, 1867, 2577, 3846, 3885, 3892, 2699, 2725, and 1021). The first repair was required to be made March 18, 2005 and the repairs were complete on May 26, 2006. Repairs were made between one and 31 days late.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Estimated emissions of 1,422.51 lbs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 5

434 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$12,500

Five quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$26,500

This violation Final Assessed Penalty (adjusted for limits) \$26,500

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 33151
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 19

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)		18-Mar-2004		-104.3	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included in the economic benefit calculation for Violation 6.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 20

Rule Cite(s)

40 CFR §§ 60.482-2(a)(1) and 60.632 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to monthly monitor Pump No. 346.000 in Column 31 Hazardous Organic National Emission Standards for Hazardous Air Pollutants during January, March, and April 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Estimated emissions of 554.208 lbs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

92 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$10,600

This violation Final Assessed Penalty (adjusted for limits) \$10,600

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 33151
 Reg. Ent. Reference No. RN102495884
 Media Air
 Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	31-Jan-2006	15-Dec-2007	1.9	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that Pump No. 346.000 is monitored monthly. Date required based on the end of the first month monitoring was not conducted. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$9

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 21

Rule Cite(s)

40 CFR § 61.356(b) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to record the measurements, calculations, and other documentation used to determine that the total benzene quantity does not exceed 6.0 megagrams per year on the quarterly reports submitted on May 5 and September 9, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% (one of six) of the rule requirements were not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

180 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Two single events (one per report) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$424

This violation Final Assessed Penalty (adjusted for limits) \$424

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
 Case ID No. 33151
 Reg. Ent. Reference No. RN102495884
 Media Air
 Violation No. 21

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	5-May-2005	15-Dec-2007	2.6	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that quarterly reports contain all required information. Date required based on the first date submitted records were deficient. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$13

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 22

Rule Cite(s)

40 CFR § 61.357(d)(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include the range of benzene concentrations for the waste streams in the annual benzene summary report submitted on April 6, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Approximately 20% (one of five) of the rule requirements were not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

1

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$212

This violation Final Assessed Penalty (adjusted for limits) \$212

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 33151
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 22

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	6-Apr-2006	15-Dec-2007	1.7	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that benzene concentrations are included in annual benzene summary reports. Date required based on the date of the deficient annual benzene summary report. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$8

Screening Date 9-Apr-2007

Docket No. 2007-0558-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 33151

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 23

Rule Cite(s)

40 CFR § 61.357(d)(6) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a quarterly equipment inspection certification report within 30 days after the end of the second quarter of 2005. Specifically, the report was due by July 30, 2005, but was not submitted until September 9, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

41 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$212

This violation Final Assessed Penalty (adjusted for limits) \$212

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33151
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 23

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	30-Jul-2005	15-Dec-2007	2.4	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that quarterly reports are submitted timely. Date required based on the date the quarterly report was due. Final date based on the date corrective actions are estimated to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$12

Compliance History

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.73
Regulated Entity:	RN102495884	CONOCOPHILLIPS BORGER REFINERY	Classification: AVERAGE	Site Rating: 9.05

ID Number(s):	WASTEWATER	PERMIT	WQ0001064000
	WASTEWATER	PERMIT	TX0009148000
	WASTEWATER	PERMIT	TX0009148
	AIR NEW SOURCE PERMITS	PERMIT	1479A
	AIR NEW SOURCE PERMITS	PERMIT	9868A
	AIR NEW SOURCE PERMITS	PERMIT	11042A
	AIR NEW SOURCE PERMITS	PERMIT	11449A
	AIR NEW SOURCE PERMITS	PERMIT	11935A
	AIR NEW SOURCE PERMITS	PERMIT	11429A
	AIR NEW SOURCE PERMITS	PERMIT	14441A
	AIR NEW SOURCE PERMITS	PERMIT	19042
	AIR NEW SOURCE PERMITS	PERMIT	22777
	AIR NEW SOURCE PERMITS	PERMIT	34417
	AIR NEW SOURCE PERMITS	PERMIT	43073
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HW0018P
	AIR NEW SOURCE PERMITS	AFS NUM	4823300015
	AIR NEW SOURCE PERMITS	REGISTRATION	71385
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX102M6
	AIR NEW SOURCE PERMITS	REGISTRATION	80460
	AIR NEW SOURCE PERMITS	PERMIT	80799
	AIR NEW SOURCE PERMITS	PERMIT	71385
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0018P
	AIR OPERATING PERMITS	PERMIT	1440
	AIR OPERATING PERMITS	PERMIT	2166
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30111
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980626774
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50078
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50078
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW380
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW382
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW325
	WASTEWATER LICENSING	LICENSE	WQ0001064000
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50078
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30111
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670002
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50078

Location:	SPUR 119 NORTH, BORGER, TX, 79008	Rating Date: 9/1/2006 Repeat Violator: NO
-----------	-----------------------------------	---

TCEQ Region:	REGION 01 - AMARILLO
Date Compliance History Prepared:	March 20, 2007
Agency Decision Requiring Compliance History:	Enforcement
Compliance Period:	March 20, 2002 to March 20, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:	Trina Grieco	Phone:	(210) 403-4006
-------	--------------	--------	----------------

Site Compliance History Components

- | | |
|--|------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | WRB Refining LLC |
| 4. If Yes, who was/were the prior owner(s)? | ConocoPhillips |
| 5. When did the change(s) in ownership occur? | 1/1/2007 |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5(C) PERMIT

Description: Failure to operate the flares with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5B PERMIT

Description: Failure to operate the affected flares with a pilot flame present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 60, Subpart J 60.104(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2 & 30 PERMIT

Description: Failed to operate the affected units with fuel H2S concentrations within the allowable value of less than 0/a0 grains per dry standard cubic feet..

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102MA, SC2 PERMIT

Description: Failure to show the correct vapor pressure for Tank No. 8031.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 4 PERMIT

Description: Failure to ensure that the open-ended valve on Tank No. 3001 was sealed with a cap, blind, plug, or a second valve.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 12 PERMIT

Description: Failure to continuously monitor and record the firebox temperature every 4 hours. Specifically, the operator confirmed that due to equipment malfunction, the firebox temp. at the Tail Gas Incinerator at Unit 34 was not continuously monitored or recorded.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 44 PERMIT

Description: Failure to use the proper preservation temperature for submitting samples from the cooling towers. Specifically, their records showed that the temps. rose above the required 4 degrees C. on 4/26/00 (9 deg. C), 7/14/00 (23 deg. C) & 8/9/00 (19 deg. C).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 61, Subpart FF 61.345(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 3 PERMIT

Description: Failure to conduct quarterly visual inspection of the vacuum trucks in 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(2)
40 CFR Part 60, Subpart Kb 60.115b(d)(3)
40 CFR Part 61, Subpart FF 61.357(d)(7)(iv)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC Nos. 2 & 3 PERMIT

Description: Failure to submit complete quarterly reports. Specifically, the reports submitted on 5/31 and 8/30/01 failed to include the # of times the flare pilot flame was absent.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 60, Subpart QQQ 60.698(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to timely submit the semi-annual certification showing that all inspections had been conducted for the period of 4/8 - 10/7/01. Specifically, the report was due 12/8/01. The rpt. was received on 2/5/02 (i. e. 59 days late).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Part 61, Subpart V 61.242-2(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to conduct fugitive emission monitoring for the months of 2/00 & 9/00 for pumps at Unit 19.3, 11165.000, 494.000, 69.000, 76.000, & 86.000. Additionally, they failed to conduct fug. emis. monitoring for 9 and 11/01 for the following pumps at COL 130: 650 and 666.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC No. 2 PERMIT

Description: Failure to repair valve No. 1035.000 at Unit 19.3 within 15 days of the leak being detected. Specifically, the leak was detected on 4/21/01, and was repaired on 6/28/01.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 60, Subpart J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M, SC 2 PERMIT

Description: Discharging into the atmosphere SO₂ with a 12 hr. rolling average concentration in excess of 250 ppm by volume at 0% excess air. Specifically, a review of the CEM data for 00 and 01 shows that Unit 43 exceeded the SO₂ concentration allowable 74 times during 00 & 01.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 50E PERMIT

Description: Failure to submit a copy of the final sampling report for Unit 40 Air Cooler engine w/in 45 days after sampling was completed. Specifically, the testing was completed on July 31, 2001. The final rpt. was submitted in November 6, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 5C PERMIT

Description: Failure to operate the Acid Gas Flare with no visible emissions. Specifically, during the stack test conducted on 12/14/00, visible emissions were observed from the Acid Gas Flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 51B PERMIT

Description: Failed to perform emission testing within 14 days of replacing the oxygen sensors on Engines 41, 42, 43, 44, 45, and 47.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 48 PERMIT

Description: Failure to change the oxygen sensors for the affected engines 41, 42, 43, 44, 45, and 47

quarterly, as required by the provisions of permit No. 9868A.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(c)

30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to timely submit the initial/final upset reports. Specifically, the initial rpt. for Incident No. 17283 was due on 3/12/03, and was received on 3/13/03, and the final rpts. for Inc. Nos. 25555 & 29549 were due on 8/23/03, & were rec'd. on 8/25/03.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 116, SubChapter B 116.160[G]

30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to submit complete upset reports. Specifically, the reports submitted for emission events which occurred on 11/7/02, 1/27/03, 2/22/03, 2/17/03, 4/26/03, 6/27/03, & 7/20/03 failed to include sufficient information for the cause of the emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the final report for the emission event which occurred on June 21-23, 2004 within 14 days. Specifically, the final rpt. was due on 7/7/04 & was received on 7/8/04.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Emitted into the atmosphere the following unauthorized pollutants during an emissions event which occurred June 21-23, 2004: CO-53 lbs, hydrogen sulfide-4.20 lbs, sulfur dioxide-369.10 lbs, and VOCs-139.9 lbs. Since this event was reported late, an affirmative defense, may not be claimed for the emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the initial emission events reports w/in 24 hrs. of discovery for the events which occurred on 11/25/03, 12/7 and 9/03, and 2/18/04.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.710[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to obtain authorization for the unauthorized emissions during 37 emission events which did not qualify for an affirmative defense to an enforcement action.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, Sp. Cond. No. 1 PERMIT

Description: Emitting into the atmosphere unauthorized pollutants during 12 emission events.

Effective Date: 11/18/2006

ADMINORDER 2006-0646-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/21/2002	(105307)
2	03/21/2002	(105308)
3	03/21/2002	(105309)
4	03/21/2002	(105310)
5	03/21/2002	(105311)
6	03/21/2002	(105312)
7	04/09/2002	(105313)
8	04/30/2002	(161712)
9	05/09/2002	(105314)
10	05/09/2002	(105315)
11	05/29/2002	(161716)
12	06/25/2002	(105316)
13	06/26/2002	(161720)
14	07/29/2002	(161724)
15	08/26/2002	(161727)
16	09/27/2002	(161730)
17	10/30/2002	(161733)
18	11/22/2002	(161737)
19	12/16/2002	(161741)
20	12/19/2002	(19877)
21	12/19/2002	(19929)
22	12/19/2002	(19903)
23	12/19/2002	(19938)
24	12/19/2002	(19880)
25	12/19/2002	(19934)
26	12/19/2002	(19860)
27	12/19/2002	(19839)
28	12/19/2002	(19866)
29	12/19/2002	(19948)
30	12/19/2002	(19876)
31	01/15/2003	(21520)
32	01/15/2003	(21558)
33	01/15/2003	(21547)
34	01/28/2003	(161745)
35	02/21/2003	(25618)
36	02/21/2003	(25617)
37	02/21/2003	(25615)
38	03/03/2003	(161705)

39	03/05/2003	(26861)
40	03/19/2003	(161708)
41	04/24/2003	(161713)
42	05/22/2003	(161717)
43	06/16/2003	(161721)
44	07/03/2003	(60663)
45	07/08/2003	(126118)
46	07/21/2003	(296806)
47	07/23/2003	(145765)
48	08/07/2003	(149155)
49	08/18/2003	(296808)
50	09/22/2003	(296810)
51	09/23/2003	(248234)
52	09/23/2003	(248300)
53	09/23/2003	(248279)
54	09/23/2003	(248241)
55	09/23/2003	(248294)
56	10/01/2003	(250785)
57	10/01/2003	(250782)
58	10/02/2003	(250705)
59	10/02/2003	(250706)
60	10/16/2003	(252133)
61	10/16/2003	(252147)
62	10/17/2003	(296800)
63	10/17/2003	(296813)
64	10/17/2003	(296817)
65	10/27/2003	(296812)
66	11/05/2003	(250547)
67	12/02/2003	(296814)
68	12/22/2003	(296815)
69	01/27/2004	(296816)
70	02/20/2004	(296796)
71	03/31/2004	(296798)
72	04/05/2004	(268105)
73	04/14/2004	(269208)
74	04/16/2004	(267682)
75	04/26/2004	(296799)
76	05/25/2004	(436469)
77	05/25/2004	(296802)
78	06/07/2004	(274624)
79	06/21/2004	(296804)
80	07/26/2004	(352767)
81	08/05/2004	(284515)
82	08/06/2004	(283088)
83	08/17/2004	(288901)
84	08/23/2004	(352768)
85	09/05/2004	(333340)
86	09/08/2004	(333632)
87	09/22/2004	(335175)
88	09/22/2004	(335158)
89	09/22/2004	(335170)
90	09/23/2004	(335211)
91	09/29/2004	(352769)
92	10/20/2004	(338419)
93	10/20/2004	(338456)
94	10/20/2004	(338428)
95	10/20/2004	(338199)
96	10/25/2004	(352770)
97	11/05/2004	(340397)
98	11/05/2004	(340401)
99	11/05/2004	(340388)
100	11/22/2004	(352771)
101	12/28/2004	(352772)
102	01/06/2005	(346260)
103	01/06/2005	(346265)
104	01/06/2005	(346272)
105	01/08/2005	(346044)
106	01/18/2005	(382140)
107	01/20/2005	(347728)
108	01/27/2005	(382142)
109	01/27/2005	(342485)

110	01/31/2005	(348389)
111	02/02/2005	(348485)
112	03/14/2005	(382141)
113	03/16/2005	(335811)
114	03/18/2005	(335817)
115	06/17/2005	(396298)
116	07/01/2005	(377888)
117	08/26/2005	(402145)
118	08/29/2005	(418278)
119	08/29/2005	(418255)
120	08/29/2005	(418284)
121	08/29/2005	(418264)
122	08/29/2005	(418249)
123	09/16/2005	(431894)
124	09/19/2005	(398612)
125	09/19/2005	(418617)
126	09/21/2005	(432528)
127	09/27/2005	(432573)
128	10/05/2005	(398603)
129	10/27/2005	(435707)
130	10/28/2005	(435763)
131	10/31/2005	(436015)
132	11/08/2005	(436544)
133	11/09/2005	(437151)
134	11/16/2005	(398003)
135	11/16/2005	(436047)
136	12/12/2005	(439539)
137	12/14/2005	(439324)
138	12/19/2005	(449774)
139	12/19/2005	(449781)
140	12/21/2005	(434070)
141	12/22/2005	(450310)
142	01/05/2006	(451297)
143	01/06/2006	(451394)
144	01/13/2006	(452190)
145	01/13/2006	(451363)
146	01/17/2006	(437777)
147	01/24/2006	(452945)
148	01/25/2006	(453089)
149	01/25/2006	(452960)
150	01/30/2006	(453345)
151	01/31/2006	(453752)
152	01/31/2006	(453394)
153	02/02/2006	(453395)
154	02/02/2006	(453859)
155	02/13/2006	(455152)
156	02/28/2006	(457545)
157	03/21/2006	(459612)
158	03/23/2006	(460163)
159	03/23/2006	(458845)
160	04/19/2006	(462453)
161	04/19/2006	(462466)
162	04/26/2006	(463535)
163	05/09/2006	(465242)
164	05/15/2006	(463536)
165	05/25/2006	(465241)
166	05/26/2006	(480084)
167	05/31/2006	(480736)
168	06/07/2006	(481812)
169	06/07/2006	(481805)
170	06/08/2006	(481987)
171	06/08/2006	(481992)
172	06/13/2006	(482336)
173	06/16/2006	(481242)
174	06/28/2006	(482752)
175	06/29/2006	(482750)
176	07/10/2006	(485853)
177	08/02/2006	(488630)
178	08/02/2006	(484098)
179	09/05/2006	(511072)

180 09/14/2006 (512534)
 181 09/22/2006 (511317)
 182 09/28/2006 (514413)
 183 09/28/2006 (514455)
 184 10/02/2006 (514675)
 185 10/02/2006 (514550)
 186 10/11/2006 (515667)
 187 10/25/2006 (536054)
 188 11/03/2006 (518237)
 189 11/03/2006 (518272)
 190 11/03/2006 (518149)
 191 11/30/2006 (532446)
 192 01/22/2007 (537059)
 193 02/23/2007 (540568)
 194 03/06/2007 (542490)
 195 03/16/2007 (517551)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/31/2002	(161712)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/30/2002	(161716)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	05/31/2002	(161720)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/30/2002	(161724)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	07/31/2002	(161727)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	08/31/2002	(161730)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	09/30/2002	(161733)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	10/31/2002	(161737)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2002	(161741)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2002	(161745)		

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 01/31/2003 (161705)			
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 02/28/2003 (161708)			
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 03/31/2003 (161713)			
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 04/30/2003 (161717)			
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 05/31/2003 (161721)			
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 06/30/2003 (296806)			
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 07/02/2003 (60663)			
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT WQ 0001064		
Description:	Failure by facility to maintain Oil and Grease and pH within permit limits at outfall #002		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT WQ 0001064		
Description:	Failure to maintain effluent pH within permit limits at outfall #004.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT WQ0001064		
Description:	Failure to maintain effluent pH within permit limits at outfall #003.		
Date: 07/31/2003 (296808)			
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 08/31/2003 (296810)			
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 09/30/2003 (296812)			
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 10/31/2003 (296814)			

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2003	(296815)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2003	(296816)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2004	(296796)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/29/2004	(296798)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2004	(296799)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2004	(296802)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2004	(296804)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2004	(352767)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2004	(352768)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2004	(352769)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2004	(352770)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2004	(352771)	
Self Report?	YES	Classification:	Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (352772)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2004 (382142)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (382140)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (382141)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/26/2005 (402145)
 Self Report? NO Classification: Major
 Rqmt Prov: PERMIT Permit Conditions
 Description: Failure to prevent unauthorized discharges.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Effluent Limitations and Monitoring Req
 Description: Failure to maintain effluent parameters within the permitted limits.

Date: 05/09/2006 (465242)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.710(a)[G]
 Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 71313. The incident did not meet the criteria, specified in the provisions of §§101.222(b)(2) and (b)(3).

F. Environmental audits.

Notice of Intent Date: 01/20/2003 (33149)

Disclosure Date: 6/17/2003 12:00:00 AM

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A

Description: Failure to submit excess emissions and monitoring systems performance report and/or summary report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Description: Unclear labeling in the labrotory database for natural gas and fuel gas resulted in the use of incorrect data for the stack test analyses.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Description: Unclear labeling in the labrotory database for natural gas and fuel gas resulted in the use of incorrect stack test results for emissions calculations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Description: No test were found for #39 and #40 engines. Both are out of service

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Description: No biennial test was found for engine #41

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Description: The biennial iest for #42 engine was done in 2002 instead of 2001.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Description: No quarterly spot checks were found for engine #37 for the two indicated time periods.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Description: No quarterly spot checks were found for engine #38 for the two indicated time periods.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No quarterly spot checks were found for engine #38 for the three indicated time periods.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No quarterly spot checks were found for engine #42 for the indicated time periods.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No quarterly spot checks were found for engine #43 for the indicated time periods.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No quarterly spot checks were found for engine #44 for the indicated time periods.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No quarterly spot checks were found for engine #45 for the indicated time periods.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No quarterly spot checks were found for engine #47 for the indicated time periods.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B
Description: No hourly average of concentrations, based on at least four data points per hour, is kept every day.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B
Description: No documentation showing monthly calculations of a 12 month rolling average for the CEMS of each individual CO boiler was found.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No data is available for the EPS

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: Only three of the four ESP electrical cabinets were in service at unit 40 during the time period.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No cabinets in service at unit 29 during indicated time period

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV
Description: There is no LDAR monitoring of piping less than or equal to 2 inches for fuel gas unit 29 & 40 CO boilers.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: Records show one less value being monitored in the cap calculations for U29CO.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No preventive maintenance or O2 sensor changes was recorded for engine 41

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: Engine #41 was not tested after all pertinent maintenance.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No preventative maintenance or O2 sensor change was recorded for engine #42.

Notice of Intent Date: 09/01/2005 (439523)
No DOV Associated

Notice of Intent Date: 12/02/2005 (450648)
Disclosure Date: 5/19/2006 12:00:00 AM

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Description: Failure to identify changes to the LDAR Component Inventory.

Notice of Intent Date: 08/11/2006 (514112)
No DOV Associated

Notice of Intent Date: 11/13/2006 (534247)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN102495884**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0558-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company ("ConocoPhillips") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and ConocoPhillips appear before the Commission and together stipulate that:

1. ConocoPhillips operates a petroleum refining and natural gas processing plant at Spur 119 North in Borger, Hutchinson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and ConocoPhillips agree that the Commission has jurisdiction to enter this Agreed Order, and that ConocoPhillips is subject to the Commission's jurisdiction.
4. ConocoPhillips received notice of the violations alleged in Section II ("Allegations") on or about March 21, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by ConocoPhillips of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Hundred Ten Thousand One Hundred Twenty-Eight Dollars (\$210,128) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). ConocoPhillips has paid Eighty-Four Thousand Fifty-Two Dollars (\$84,052) of the administrative penalty and Forty-Two Thousand Twenty-Five Dollars (\$42,025)

is deferred contingent upon ConocoPhillips' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If ConocoPhillips fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require ConocoPhillips to pay all or part of the deferred penalty. Eighty-Four Thousand Fifty-One Dollars (\$84,051) shall be conditionally offset by ConocoPhillips' completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and ConocoPhillips have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that ConocoPhillips has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, ConocoPhillips is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. Specifically, unauthorized emissions of 8,020.83 pounds ("lbs") of sulfur dioxide, 1.36 lbs of nitrogen oxides, and 91.37 lbs of hydrogen sulfide ("H₂S") were released from the H₂S emergency flare, emissions point number ("EPN") 66FL6, in Unit 34 during an emissions event that occurred on September 1, 2006 and lasted 2 hours and 50 minutes. Sulfur dioxide was the only pollutant authorized by the permit at 41 lbs per hour. Since the emissions event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
2. Failed to either monitor all the valves in the Mercaptan Unit (No. 45) during the first quarter of 2005 or submit notification of an alternate monitoring schedule for the unit to allow for the quarter to be exempt from monitoring, in violation of 40 CODE OF FEDERAL REGULATIONS

("CFR") §§ 60.482-7(c)(1) and 63.168(d)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.

3. Failed to include two reportable Emissions Events (Nos. 65748 and 71242) in the January 27 and July 13, 2006 deviation reports and 42 non-reportable events in the January 28 and July 28, 2005, and July 13, 2006 deviation reports, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
4. Failed to consistently operate Units 29 and 40 below the six-minute average opacity emissions limit of 20% (averaged over six minutes) 24 times between October 14, 2004 and February 22, 2006, in violation of 40 CFR § 60.102(a)(2) and 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(A), and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 23 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
5. Failed to consistently route emissions to flares, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 30 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. Specifically, emissions from EPNs 66FL8, 66FL10, and 66FL11 were routed to burn pits 11 times between November 10, 2004 and February 24, 2006 during flare maintenance.
6. Failed to repair a valve (Tag No. 1449) in Unit 22 within 15 calendar days after discovering a leak, in violation of 40 CFR § 63.168(f)(1), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. The valve was required to be repaired on June 22, 2006, but was not repaired until June 30, 2006.
7. Failed to operate the flare with a constant pilot flame, in violation of 40 CFR §§ 60.18(c)(2) and (e), 61.349(a)(2)(iii), and 63.11(b)(3), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition No. 2B and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. Specifically, there was no pilot flame present at EPNs 66FL1, 66FL3, 66FL10, and 66FL13 on 12 occasions between December 2, 2004 and January 20, 2006.
8. Failed to continuously monitor the thermal oxidizer temperature in the loading racks terminal three times between September 22 and October 13, 2005, in violation of 40 CFR § 63.427(a)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
9. Failed to prevent visible emissions from Unit 34 incinerator stack on April 12, 2005 and from Unit 43 incinerator stack on January 18, 2005, in violation of 30 TEX. ADMIN CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 10 and TEX.

HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.

10. Failed to operate Incinerators A and B with minimum firebox temperatures of 1209 degrees Fahrenheit five times between March 6, 2004 and December 17, 2004, in violation of 40 CFR § 63.643 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
11. Failed to prevent visible emissions from EPN 66FL4 on September 2, 2004, in violation of 40 CFR §§ 60.18(c)(1) and 63.11(b)(4) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
12. Failed to limit sulfur dioxide concentration to 250 parts per million by volume in emissions from Unit 34 on February 20, 2006 and in Units 34 and 43 on August 6 and December 15, 2005, in violation of 40 CFR § 60.104(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
13. Failed to conduct annual secondary seal inspections for Tank 511 in 2004 and 2005, in violation of 40 CFR § 60.113b(b)(ii) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
14. Failed to submit an inspection failure report within 30 days after the September 13, 2005 inspection during which defects were found in the floating roof secondary seal on Tank 5599, in violation of 40 CFR § 60.115b(a)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. The report was due on October 13, 2005, but was not submitted until January 27, 2006.
15. Failed to operate the flare with a constant pilot flame, in violation of 40 CFR §§ 60.18(c)(2) and (e), 61.349(a)(2)(iii), and 63.11(b)(3), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition No. 2B and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. Specifically, there was no pilot flame present at EPN 66FL2 on three occasions between June 6 and 9, 2005.
16. Failed to repair four valves (Tag Nos. 0734, 2146, 20087 and 20068) in Units F-11, F-22, and F-7 within 15 calendar days after discovering a leak, respectively, in violation of 40 CFR § 60.482-7(d)(1), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. The valves were required to be repaired on September 21, 2005, December 30, 2005, September 6, 2005, and December 6, 2005, but were not repaired until October 31, 2005, February 16, 2006, November 15, 2005, and December 29, 2005, respectively.
17. Failed to repair three pumps (Tag Nos. 3968, 2596, and 1308) in Units 1.6, HDS, and Col. 39, respectively, within 15 days after discovering a leak, in violation of 40 CFR §§ 60.482-2(c)(1) and 60.632(a), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A

and PSD-TX-102M5, Special Condition 37.I., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. The pumps were required to be repaired on January 26, 2006, January 19, 2006, and January 12, 2006, but were not repaired until February 28, 2006, February 28, 2006, and March 22, 2006, respectively.

18. Failed to make first attempt at repair of two pumps (Tag Nos. 2607 and 1308) within five days after discovering a leak, in violation of 40 CFR §§ 60.482-2(c)(2) and 60.632(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. First attempt at repair was required by February 5, 2006 and January 12, 2006, but was not made until February 15, 2006 and March 22, 2006, respectively.
19. Failed to repair 14 valves within 15 days after the discovery of a leak (Tag Nos. 2534, 1518, 1700, 1123, 2943, 99.000, 1867, 2577, 3846, 3885, 3892, 2699, 2725, and 1021), in violation of 40 CFR §§ 60.482-7(d)(1) and 60.632(a), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M5, Special Condition 37.I. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. The first repair was required to be made March 18, 2005 and the repairs were complete on May 26, 2006. Repairs were made between one and 31 days late.
20. Failed to monthly monitor Pump No. 346.000 in Column 31 Hazardous Organic National Emission Standards for Hazardous Air Pollutants during January, March, and April 2006, in violation of 40 CFR §§ 60.482-2(a)(1) and 60.632 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
21. Failed to record the measurements, calculations, and other documentation used to determine that the total benzene quantity does not exceed 6.0 megagrams per year on the quarterly reports submitted on May 5 and September 9, 2005, in violation of 40 CFR § 61.356(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
22. Failed to include the range of benzene concentrations for the waste streams in the annual benzene summary report submitted on April 6, 2006, in violation of 40 CFR § 61.357(d)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006.
23. Failed to submit a quarterly equipment inspection certification report within 30 days after the end of the second quarter of 2005, in violation of 40 CFR § 61.357(d)(6) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 4 through 18, 2006. Specifically, the report was due by July 30, 2005, but was not submitted until September 9, 2005.

III. DENIALS

ConocoPhillips generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that ConocoPhillips pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and ConocoPhillips' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2007-0558-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. ConocoPhillips shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eighty-Four Thousand Fifty-One Dollars (\$84,051) of the assessed administrative penalty shall be offset with the condition that ConocoPhillips implement the SEP defined in Attachment A, incorporated herein by reference. ConocoPhillips' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that ConocoPhillips shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to prevent unauthorized emissions due to the same cause as the releases that occurred on September 1, 2006;
 - ii. Either submit notification of an alternate monitoring schedule for the Mercaptan Unit (No. 45) to allow for the valves in the unit not to be monitored for one quarter (if the leak rate is less than 2% in the previous two quarters), or three quarters (if the leak rate is less than 2% for the previous five quarters) or implement measures designed to ensure the valves in the Mercaptan Unit are monitored quarterly;
 - iii. Implement measures designed to ensure that all reportable and non-reportable emissions events are included in deviation reports;
 - iv. Implement measures designed to ensure that Units 29 and 40 are operated within the six-minute average opacity emissions limit of 20%;
 - v. Implement measures designed to ensure that emissions are only routed to flares;

- vi. Implement measures designed to ensure first attempt at repair of all components is conducted within 5 days and that repairs are completed (or components placed on a delay of repair list) within 15 after discovery of a leak;
 - vii. Implement measures or install additional equipment to ensure all flares have a constant flame;
 - viii. Implement measures designed to ensure continuous monitoring of the thermal oxidizer temperature in the loading racks terminal;
 - ix. Implement measures designed to prevent visible emissions from Unit 34 and 43 incinerator stacks and EPN 66FL4;
 - x. Implement measures designed to ensure that Incinerators A and B are operated with firebox temperatures at a minimum of 1209 degrees Fahrenheit;
 - xi. Implement measures designed to ensure that sulfur dioxide concentrations are limited to 250 parts per million by volume from Unit 34 and Unit 43 emissions;
 - xii. Implement measures designed to ensure secondary seal inspections for Tank 511 are conducted annually;
 - xiii. Implement measures designed to ensure that defects discovered during inspections of floating roof tanks are reported within 30 days after the inspection is completed;
 - xiv. Implement measures designed to ensure Pump No. 346.000 is monitored monthly;
 - xv. Implement measures designed to ensure that measurements, calculations, and other documentation (used to determine that the benzene quantity does not exceed 6.0 megagrams per year) is recorded and reported in quarterly reports;
 - xvi. Implement measures designed to ensure that the range of benzene concentrations for the waste streams are included in annual benzene summary reports; and
 - xvii. Implement measures designed to ensure that quarterly reports are submitted with 30 days after the end of each quarter.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.xvii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933


4. The provisions of this Agreed Order shall apply to and be binding upon ConocoPhillips. ConocoPhillips is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If ConocoPhillips fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, ConocoPhillips' failure to comply is not a violation of this Agreed Order. ConocoPhillips shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. ConocoPhillips shall notify the Executive Director within seven days after ConocoPhillips becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by ConocoPhillips shall be made in writing to the Executive Director. Extensions are not effective until ConocoPhillips receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against ConocoPhillips in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to ConocoPhillips, or three days after the date on which the Commission mails notice of the Order to ConocoPhillips, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director


3/10/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

Oct 18, 2007
Date

JoAnn Wasicek
Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

Environmental Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-0558-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Payable Penalty Amount: One Hundred Sixty-Eight Thousand One Hundred Three Dollars (\$168,103)

SEP Amount: Eighty-Four Thousand Fifty-One Dollars (\$84,051)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up

Location of SEP: Hutchinson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

